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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097006,839	01/12/98	SIDIKMAN	P 00464.093809

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LM02/0828

EXAMINER

KAZIMI, H

ART UNIT	PAPER NUMBER
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2765

16

DATE MAILED:

08/28/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/006,839**

Applicant(s)  
**Sidikman et al.**

Examiner  
**Hani Kazimi**

Group Art Unit  
**2765**



☒ Responsive to communication(s) filed on Aug 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 19-37 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 19-37 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☒ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

1. This communication is in response to the amendment filed on August 8, 2000.

### *Status of Claims*

2. Of the original claims 1-18, claims 1-18 have been canceled without prejudice or disclaimer in the amendment filed on January 12, 1998, and claims 22-41 have been added in the same amendment. However, since the original claims were 1-18, the added claims 22-41 have been renumbered as 19-38 according to 37 C.F.R. 1.126. In the amendment filed February 16, 2000, claims 19, and 38 have been amended. In the amendment filed August 8, 2000, claim 38 have been canceled without prejudice or disclaimer. Therefore, claims 19-37 are under prosecution in this application.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 19-37 are rejected under 35 U.S.C. 102(a) based upon a public use or sale of the

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invention.

5. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

Even though this is a rejection under 35 U.S.C. 102(a), the article raises the question of whether any earlier documents were published prior to the date of the article "Trade it Yourself Bank Machines Make a Debut Securities", Los Angeles Times, October 6, 1994, (hereinafter Trade it Yourself).

The Examiner notes that the prior art discloses that Applicants have been operating the system in a few states since at least October, 1994. However, Applicant fails to disclose any information regarding the system that may be material to the patentability of the disclosed invention. The Examiner reminds Applicants that they must disclose documents and publications known to them that are relevant to the subject matter of this application. In particular, copies of the first system that was implemented in October, 1994. In addition, the publications, known to Applicants, related to the disclosed subject matter. The Examiner respectfully refers Applicant to 37 C.F.R. 156(a) and (c).

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 305-7791.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hani.Kazimi

August 24, 2000



ERIC W. STAMBER  
PRIMARY EXAMINER